

# EXHIBIT E



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

WMP/JMK/AES  
F. #2014R00501

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By Email

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Re: United States v. Martin Shkreli, et al.  
Criminal Docket No. 15-637 (KAM)

Dear Counsel:

In connection with the government's brief filed on September 30, 2016 in the above-captioned matter, the following is a chart of individuals and entities referred to by defined terms or pseudonyms in the Superseding Indictment, as well as where in the Crime Fraud Affidavit ("CFA"), Crime Fraud Emails ("CFE") and/or other disclosures this information is located.

Defined Term	Superseding Indictment Cite	Identity	Example of identity in CFA, CFE or other disclosures
Co-Conspirator 1	¶¶ 3, 8, 13-15, 19, 20, 25, 25(c), 25(d), 25(e), 25(h), 25(i), 36, 39, 43(a), 43(g), 59(a), 59(b), 59(j), 59(l)	Marek Biestek	CFA ¶ 39 quotes the same email as in SI ¶ 59(a); the CFA identifies the recipient of defendant Greebel's email as Marek Biestek
RTRX Employee 1	¶¶ 25(a), 25(c), 25(d), 25(e), 25(f), 25(g), 25(h), 25(i), 25(j)	Jackson Su	CFA ¶ 25(c) quotes the same email as in SI ¶ 25(g); corresponding CFE identifies the Retrophin employee as Jackson Su

Defined Term	Superseding Indictment Cite	Identity	Example of identity in CFA, CFE or other disclosures
Corrupt Employee 1	¶¶ 16, 17, 25, 25(i), 36, 50(a), 50(c)	Kevin Mulleady	CFA ¶ 30 references the same email as in SI ¶ 25(i); CFA identifies share transfer agreement recipients as Marek Biestek (already identified as Co-Conspirator 1), Kevin Mulleady and Thomas Fernandez. The email referenced in SI ¶ 25(a) is in the government's discovery production and further indicates that Corrupt Employee 1 is Mulleady.
Corrupt Employee 2	¶¶ 25, 25(i), 36	Thomas Fernandez	CFA ¶ 30 references the same email as in SI ¶ 25(i); CFA identifies share transfer agreement recipients as Marek Biestek (already identified as Co-Conspirator 1), Kevin Mulleady and Thomas Fernandez.
Accounting Firm 1	¶ 23	Citrin Cooperman	CFA ¶ 25(c) quotes the same email as in SI ¶ 25(g); corresponding CFE identifies accountant as Corey Massella, who works for Citrin Cooperman
Accountant 1	¶¶ 25(c), 25(g), 25(i)	Corey Massella	CFA ¶ 25(c) quotes the same email as in SI ¶ 25(g); corresponding CFE identifies accountant as Corey Massella
Accountant 2	¶ 25(c)	Susan Chew	CFA ¶ 25(a) quotes the same email as in SI ¶ 25(c); corresponding CFE is copied to Corey Massella (identified elsewhere as Accountant 1) and Susan Chew
John Doe 1	¶¶ 36, 38, 59(i), 59(j)	Michael Fearnow	CFA ¶ 50(d) quotes the same email from defendant Greebel as SI ¶ 59(j); CFA identifies recipient of email as Michael Fearnow

Defined Term	Superseding Indictment Cite	Identity	Example of identity in CFA, CFE or other disclosures
Investor 1	¶¶ 9, 10, 12, 15, 31, 32, 34, 43(c), 43(e), 43(h), 43(i), 43(j), 59(l))	Darren Blanton	CFA ¶ 74 and SI ¶ 31 discuss a sham consulting agreement signed by a MSMB Capital investor, who is identified in the CFA as Darren Blanton; in addition, the email quoted in SI ¶ 31 is a CFE (with subject line “BLANTON”) discussed in redacted form in ¶ 74(e)
Investor 2	¶¶ 12, 15, 43(a), 43(b), 43(d), 43(f), 43(h), 43(k)	Steven Richardson	All emails referencing Investor 2 in the SI are contained in the discovery productions, and identify Investor 2 as Richardson. For example, the April 10, 2011 email referenced in SI ¶ 12 that stated that the investment value on was \$509,514 is at SR004675 (one of only two emails in the discovery productions that has the number “509,514” in it).
Investor 3	¶¶ 16, 18, 32-34, 50(b), 50(e)	Alan Geller	CFA ¶ 73 and SI ¶ 33 both state that Investor 3’s sham consulting agreement was placed on the Board’s agenda; the CFA identifies this individual as Alan Geller
“Employees and contractors” <sup>1</sup>	¶¶ 36-40, 59(b), 59(c)	Kevin Mulleady Thomas Fernandez Marek Biestek Timothy Pierotti Andrew Vaino Edward Sullivan Ronald Tilles	CFA ¶ 41 details the assignment of the Fearnow shares, also described in SI ¶ 38; CFA provides names for share recipients, and notes that Ronald Tilles received his shares c/o an entity called “Claridge Capital”

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<sup>1</sup> This was not a defined term in the Superseding Indictment, but both defendants stated they could not identify the Fearnow Share recipients.

Defined Term	Superseding Indictment Cite	Identity	Example of identity in CFA, CFE or other disclosures
Elea Capital investor <sup>2</sup>	¶ 32	Lee Yaffe	Identified in the government's July 13, 2016 disclosure; also, discovery contains copy of consulting agreement
Capital Limited Partners	<u>Passim</u>	Lindsay Rosenwald Steven Richardson Edmund Sullivan Brent Saunders Darren Blanton Sarah Hassan Schuyler Marshall John Neill	Several Capital Limited Partners are identified in the CFA and CFE (including those who signed settlement or consulting agreements); otherwise, these individuals are identified throughout the discovery, including in documents produced by Retrophin (including the Liquidation Email), MSMB Capital, Merrill Lynch, individuals, etc.
Healthcare Limited Partners	<u>Passim</u>	Barbara & Richard Kocher Barbara Cieplugh & Justyna Kralska Alan Geller Molly Tschang Seymour Block Steven Rosenfeld Robert Johnson Michael Lavelle Spencer Spielberg David Geller Patrick McGowan George Blasko Diandra de Morrell Douglas	Several Healthcare Limited Partners are identified in the CFA and CFE (including those who signed settlement or consulting agreements); otherwise, these individuals are identified throughout the discovery, including in documents produced by Retrophin (including the Liquidation Email), individuals, etc.

In addition, the government advises that the defrauded Capital or Healthcare Limited Partners who entered into the settlement agreements referenced in paragraphs 26-30 of the Superseding Indictment are as follows: Rosenwald, Kocher, Hassan, Spielberg, David Geller, Lavelle and Marshall. In a section of the CFA titled "Settlement Agreements," at paragraphs 58-71, the government identified all of these individuals by name, with the exception of Spielberg. All of these settlement agreements have also been provided in discovery. The government also

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<sup>2</sup> This was not a defined term in the Superseding Indictment, but defendant Greebel stated he could not identify this individual. Greebel BOP Br. at 19.

advises that the defrauded investors from MSMB Healthcare, MSMB Capital, and Elea Capital who entered into sham consulting agreements are Rosenfeld, Blanton, Alan Geller and Yaffe. In a section of the CFA titled "Consulting Agreements," at paragraphs 72-76, the government identified all of these individuals by name, with the exception of Yaffe. Yaffe, Rosenfeld and Alan Geller were also identified in the government's July 13, 2016 disclosure. All of the consulting agreements have also been provided in discovery.

Very truly yours,

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cc: The Honorable Kiyo Matsumoto (by hand delivery)